

MEETING #36 – November 14

At a Regular Meeting of the Madison County Board of Supervisors on November 14, 2017 at 4:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman
Jonathon Weakley, Vice-Chairman
Robert Campbell, Member
Charlotte Hoffman, Member
Jack Hobbs, County Administrator
Mary Jane Costello, Asst. County Administrator/Finance Director
Clarissa Berry, Commonwealth Attorney
Jacqueline S. Frye, Deputy Clerk

ABSENT: Kevin McGhee, Member
V. R. Shackelford, County Attorney

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson advised that a quorum is present; Supervisor McGhee will be absent.

Chairman Jackson advised of the following additions to today's Agenda:

5a. Recycling Committee – Share Shed

56. Bruce Bowman – Blue Ridge Committee

Supervisor Campbell moved that the Agenda be approved as amended, seconded by Supervisor Weakley. *Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee.*

2. Public Comment:

Chairman Jackson noted that tonight's session will involve several comments pertaining to dogs. A letter was read for the record as submitted to Mr. Warren by Betty Grayson, Zoning Administrator:

"The Madison County Zoning Office has received several complaints regarding property identified as Tax Map Number 42-35 containing 158.516 acres listed in the name of Bordeau Farms, LLC. This property is zoned Agriculture, A-1. The nature of the complaint is that service dogs by Warren Retrievers, Inc., is operating a kennel on the property without a special use permit. I'm attaching Article 20-104 which is the definition of a 'kennel' in the Madison County Zoning Ordinance in the Agricultural, A-1 zone a 'kennel' by the above definition is 'a use allowed by special use permit' under Article 3-16 and Article 4-2-1 of the Madison County Zoning Ordinance. Upon receiving this letter, if you are operating a kennel, please cease operation of any non-conforming uses on your property and contact me at 540 948 7599 or stop by my office located at 414 N. Main Street, Madison, Virginia 22727, to discuss the matter."

Individuals were asked to keep all public comments pertaining to Warren Retrievers to a minimum of three (3) minutes; individuals were asked to provide their name and area of location in the County.

1. Kristen Meredith (Culpeper): Former attorney, puppy raiser and member of the SDWR Board of Directors; personal knowledge of SDWR and speaking on behalf of former owners and employees of SDWR; thanked the Board of Supervisors for reviewing all letters of correspondence to express interest/concerns on the SDWR issue; a packet of information has also been provided by Ms. Lucinda Williams to include photos. Highlighted concerns focused on the following:

- ✓ Care, treatment and safety of puppies/dogs currently housed at the SDWR facility on Beahm Town Road
- ✓ Treatment of former employees and SDWR clients
- ✓ Supervision, training, oversight and safety of puppy raisers (particularly those residing on college campuses)
- ✓ Treatment of SDWR clients
- ✓ Clients have paid \$25,000 for service dogs that haven't been fully trained or able to assist in the manner(s) as presented

- ✓ SDWR has no general liability insurance for puppy raisers (i.e. problematic for college students who may/may not be covered under their parent's liability insurance)
- ✓ Puppy raisers aren't receiving any training
- ✓ Puppy raisers are responsible for funding costs for food, medical care and veterinary services
- ✓ College students are not wanting to surrender the puppies back to SDWR
- ✓ SDWR refuses to communicate with puppy raisers and refuses to accept the dogs back
- ✓ During the past 24 months, SDWR has lost 20 employees [including Development Director, Marketing/Public Relations Director, Director of Community Outreach, Client Services Manager, Kennel Director, numerous kennel staff, Personal Executive Assistant [to Mr. Warren for over 3 years], 7 members of the Board of Directors, and 2 doctors, 2 lawyers, 1 veterinarian, 1 business person, 1 town manager]
- ✓ Many qualified individuals have resigned along with many dedicated hardworking employees
- ✓ SDWR now has only 2 members on the Board (Mr. Warren and Jake Dudack [life partner])
- ✓ SDWR is currently in violation of its articles of incorporation
- ✓ There is currently no office left to handle day to day business and only 1 kennel staff member to care for the dogs/puppies on site [may be as many as 60 animals]
- ✓ Due to the lack of kennel and office staff, it's felt the fate of the dogs at SDWR is unknown
- ✓ Photos have been provided that show animals in filthy kennels, lack of access to adequate/clean water, no protection from the elements
- ✓ Many of the adult dogs were used to living in homes are not face winter in an outside kennel area which may be detrimental to their health
- ✓ Some of the dogs have health issues which are deemed to not have been treated
- ✓ Mr. Warren has suffered from recent significant health issues

It's felt that due to the lack of staff and the fact that Mr. Warren has suffered some health issues, there is concern as to how food for the animals is being obtained/distributed. Although concerned parties realize that the Supervisors cannot address the issues regarding puppy raisers, clients and/or employees, it's hoped that the Board can take some concrete steps with respect to the safety and well-being of the animals currently housed at the SDWR facility.

Additionally, based on the 'cease and assist' letter (sent from the County), the concerned citizens would like to see:

- ✓ SDWR cease all operations to include kennel operations at Beahm Town Road due to zoning violations
- ✓ Should Mr. Warren (or SDWR) seeks a variance or waiver for the facility, the concerned individuals would request that such requests be denied
- ✓ The County revoke any active business license (obtained by Mr. Warren) and/or deny any such application if it is presented to the County
- ✓ Animal Control perform weekly inspections of the kennels (at SDWR) to include the kennels in/around the barn area and those that are located at the bottom of the property (i.e. google earth map was provided); and suggest the County:
- ✓ To ensure that the animals kept on the property are healthy, fed, watered, and have access to protective shelter

It was further noted that:

- ✓ Former SDWR employees that reside in Madison County are willing to accompany ACO to make sure all areas where dogs are housed are inspected; and
- ✓ Suggested that:
- ✓ The Board of Supervisors have a plan in place to handle the 50-60 dogs housed at the location in the event Mr. Warren abandons the property, or if the dogs are ceased by the Attorney General's office, of it Mr. Warren is told to shut down and has no place to send the dogs; and that:
- ✓ The concerned individuals are willing to help rehome the dogs, but request notification if the aforementioned action(s) are undertaken
- ✓ The concerned individuals are asking for the above referenced considerations based on investment of time, sharing and funding that has been extended from the dogs held in the kennels
- ✓ The concerned individuals request first priority for adoption rights

Highlights from the google map shows several locations on the property where dogs/puppies are kept on the farm; emphasis was made to the fact that Madison County Animal Control may not have been advised as to where all the animals are housed (i.e. kennel located at the bottom of the farm; many puppies are kept in the barn). In closing, Ms. Meredith expressed appreciation to the Board for today's discussion and urged the County to provide any assistance possible to resolve today's matter.

Comments from the Board:

- *Supervisor Campbell: Questioned whether the concerned individuals expect the County to assume full responsible for the animals until all can be rehomed; referred to a prior past situation (similar to today's concerns) that cost the County a significant amount of funding; verbalized disfavor of forcing the taxpayers to assume financial responsibility for the care of 50-60 dogs; questioned the types of dogs on site and whether the SPCA has been contacted; feels the request being asked of the Board is very broad and will cost a significant amount of funding; suggested the concerned individuals petition their concerns to the court system first; verbalized support if the animals involved were fully trained service dogs*

- *Supervisor Weakley: Questions if the organization is considered to be a non-profit; questioned where the cost of \$25,000.00 is quantified for the purchase of a puppy and who receives the funding; suggested the Board request to see all reports completed by Greg Cave, ACO; referred to the state code requirements for the care of animals (i.e. food, water, shelter); a business license isn't required in the County, although businesses must still register; advised that a representative is present from Delegate Freitas' office – suggested today's matter be addressed with state offices in order to help strengthen existing state code*
- *Supervisor Hoffman: Referred to a call from a concerned citizen regarding today's matter; advised that Greg Cave, ACO, did visit the property and didn't see any mistreatment or neglect of any of the animals on site (also toured the back of the property); feels that excluding the zoning concerns, the concerned parties will need to pursue today's concerns through the court as a civil matter; also referred to state code requirements for the care of animals (i.e. food, water, shelter); suggested the ACO be asked to visit the property again and check all locations denoted on the google map that has been provided; questioned how long the current issues have been in existence*
- *Chairman Jackson: Questioned if SDWR has been reported to the SCC for violation of its articles of incorporation; noted that the local shelter has an extremely high success rate with getting dogs adopted; questioned that the concerned citizens would like to assist with possible placement of the animals at SDWR (if necessary); questioned who (i.e. organization will be involved with the proposed offer to assist*

Ms. Meredith advised of having no knowledge of Virginia laws regarding today's issue; and also:

- ✓ Questioned the measures the County would take if the property owner was found to be in violation for failing to properly care for the animals, or operating a business
- ✓ Advised that concerned individuals would be willing to assume responsibility for finding adoptive or foster families for all of the dogs
- ✓ Advised that the dogs at SDWR come from many classes (i.e. puppies too young for training - 'wash out' dogs [not fit to be put into service] due to health issues or temperament]; breeder dogs on-site; other service dogs that haven't been placed with a puppy raiser); no dogs are at the point to be placed with a disabled individual (not full fledged service dogs); several
- ✓ SDWR is a 501C3 designation
- ✓ Cost of \$25,000 is paid to SDWR and then to the puppy trainer (i.e. fee is required from anyone that requires a service dog to assist someone with diabetes, seizure disorder, PTSD or autism)
- ✓ Cost of \$25,000 is what SDWR indicates will be the cost
- ✓ Noted that the concerned parties are only asking what can be done (by the County) to ensure proper care of the dogs at the property
- ✓ Advised that other agencies are involved in the matter regarding SDWR
- ✓ Advised that there are complaints with the Attorney General's Office that date back 3-4 years; number of complaints have escalated dramatically during the past year concerning the operations that involve puppies
- ✓ Advised that when she served on SDWR's Board of Directors, there were about 130-150 puppies out on college campuses
- ✓ The number of puppies being turned out with breed professional trainers doesn't correspond with the numbers that most breeders handle
- ✓ Advised that she raised 5 puppies
- ✓ SDWR currently has about 50-60 dogs on the property at this time (as reported by an employee)
- ✓ Google map shows an area (near Shari's cabin) that is the largest kennel (housing about 30-50 dogs)

A concerned citizen advised that the group has contracted with an entity that has offered to rescue the dogs (at SDWR); there are also several individuals (who have dealt with SDWR) have offered to rehome the dogs within their own homes

Ms. Meredith also advised there are citizens in North Carolina, Pennsylvania and other states that have also offered interest in adopting the dogs (at SDWR) and raise them as puppy raisers. In closing, she expressed the clarification that the concerned citizens do not intent to place a burden on Madison County to care for the dogs in question.

Jennifer Meszarous (Madison County): Advised that she has spoken with Greg Cave; her family is a group of puppy raisers (several have worked for Mr. Warren); noted that a contract (with Mr. Warren) for a breed dog was broken; several other dogs have been connected with families that are willing to receive them back; letter submitted contained pictures (taken by her family members) that have worked at SDWR (since January 2017) that show frozen water, lack of food, poor shelter (exposure to the elements); noted that kennels are now only being cleaned 1x daily (if at all), dogs are being unchecked when they are returned to the kennel; noted that a pregnant dog died due to there being untrained staff who lacked sufficient training to assist her; concerned about those who have paid for a trained service dog and these dogs are now experiencing complications; concerned about the blight in her back yard and suggested that information on the Board of Supervisor's website regarding Dan Warren's service dog retrievers be removed and not promoted; currently there are 47 pending cases and there is neglect among the animals which can be attested to by multiple employees and pictures; concerned as to when this will stop; Mr. Cave has advised that he needs more information

- *Chairman Jackson: Suggested that civil litigation be sought against SDWR for breaking a contract; suggested that the concerned individuals reach out to state representatives as much as possible*

Ms. Meredith advised that she has reached out to 8 representatives with only 1 response being received (Delegate Freitas); thanked the Board for listening to today's concerns and urged the Board to do whatever is within the power at the local level.

After discussion, Chairman Jackson advised that Madison County Animal Control will be asked to visit the site as soon as possible; concerned citizens were encouraged to keep the Board informed of details.

- ✓ Joe May: Congratulated Mr. McGhee, Mr. Jackson and Ms. Foster on their appointment to the Board of Supervisors; also advised that many citizens are voting without being fully aware of who is running for local boards – encouraged potential candidates to get out and make themselves known to the local voters and not just put up signs; encouraged the Board to finalize a decision on the Healthy Families Program proposal – feels the proposal for funding is an issue that continues to make folks totally dependent upon the State; verbalized concerns that all school board members have had a career in education – suggested that citizens outside the arena would get more involved and bring a different perspective – suggested the County discontinue allocating funding to the school system if the school board doesn't spend the funding as expected
- ✓ John Underwood: Referred to the partnership between Huelben, Germany and Madison County and the fact that things aren't coming together; encouraged the possibility of local citizens to visit Germany; suggested the Board provide some input as to what can be done to promote the partnership; advised of the advantages that both localities have to offer, especially to the younger citizens; questioned if the Board would like to continue to promote the partnership or discontinue the endeavor

After discussion, it was the consensus of the Board to delegate Supervisor Hoffman to work with Mr. Underwood to assess what direction can be undertaken on today's proposal.

- *Supervisor Campbell: Advised that (based on information provided by Mr. Underwood), the area of Huelben, Germany is very comparable to Madison County's terrain; feels that a cultural exchange (i.e. student summer exchange program) would be an asset for local students and possible offer German language classes*

With no further comments being brought forth, Chairman Jackson closed the public comment opportunity.

3. Constitutional Officers - None

4. County Departments

School Board: Bob Chappell, school board representative, was present and advised that he will provide a report at the 4th Tuesday's session

5. Committee/Organization

a. Recycling Committee – Share Shed: Delores "Dink" Kreis was present and advised that she was the Chair of the Recycling Committee and hosted the Green & Clean Day; overview was provided regarding the initiation of the share shed and the fact that the County was very involved at that time, and also to develop the Recycling Committee, with the assistance of Ernie Hoch, former County Administrator; the original operation was well organized and attended to. Little attention was provided by the former County Administrator; suggested there be more promotion to the overall care and upkeep of the share shed (at least 1x each week); advised of the establishment of a social media page to encourage citizens to provide support; advised of the lack of oversight at the front gate – vehicles are being 'waved through' with no checking as to what's being brought in for disposal, which is causing the County to lose revenue

Comments from the Board:

- *Chairman Jackson: Referred to a recent photo provided; noted that the share shed was to be a volunteer endeavor and that volunteers should tend to the building; feels the concept is a good idea; advised that the County is lightly staffed; disfavor of having County staff on site 1x weekly to manage the share shed; advised a desire to see the volunteers tend to the facility; noted concerns about the front gate; verbalized disfavor of continuing the share shed if the endeavor will cost the County additional funding and/or staff responsibility*
- *Supervisor Weakley: Thanked Ms. Kreis for providing today's input and providing volunteer services; referred to whether the County needs to reconstitute the Recycling Committee; also encouraged the volunteers to become involved; noted concerns regarding operations at the front gate of the transfer station which can lead to more problems than just the share shed; Waste Management Services, Inc., is contracted by the County and needs to be doing their part other than 'waving traffic through', which (in his opinion) is unacceptable; suggested the County Administrator follow up on this matter – progress needs to be seen; would be in favor of hearing input from a new committee (i.e. advertisement, social media, etc.)*
- *Supervisor Campbell: Referred to the initial set-up of the Recycling Committee and the establishment of the share shed; the Board shouldn't be tasked with caring for the share shed; feels the initial group has done a good job, but when volunteers lose interest in a project, there is a void; accolades to*

Ms. Kreis for her efforts; the County doesn't have the resources to have a group of employees to man the site; feels if the endeavor isn't working, it may be best to shut it down and discontinue the share shed

Ms. Kreis suggested the Board back the endeavor (i.e. excluding financially).

After discussion, it was the consensus of the Board to encourage Ms. Kreis (along with the volunteers) to establish a plan and present it to the Board at the next meeting on November 28th for review/advisement.

b. Bruce Bowman – Blue Ridge Committee Report: Bruce Bowman was present to provide highlights on the recent meeting that he and Jim Ballard attended on October 5th. Highlights from the session focused on:

- ✓ Tour of Hoover Camp
- ✓ Jennifer Flynn, Superintendent previously filling dual roles (i.e. Deputy Superintendent due to hiring freeze)
- ✓ Recent update that a Deputy Superintendent has now been hired
- ✓ SNP Budget has received additional funding
- ✓ SNP park is currently underfunded and under-staffed
- ✓ Visitations to the park (as of August 1'2017) were up by 6% over last year [1,400,000 visitors]
- ✓ SNP had to shut down picnic grounds due to issues with the water system
- ✓ Old Rag parking lot [environmental impact study & ecological study was required] – construction may begin in the spring 2018
- ✓ Rappahannock County involved in a "Dark Skies" initiative [encourages the implementation of ambient lighting that shine downward instead of upward]
- ✓ Warren County is building a trail that interconnects with the Appalachian trail that will connect with the park
- ✓ Greene, Albemarle, Rappahannock, Madison and Page recently held a Blue Ridge Heritage memorial initiative
- ✓ SNP Resolution pertaining to proposed increase to SNP fees (several localities have submitted a resolution to the park to denote disfavor of the proposed fee increase)
- ✓ Feels the fee increase will hinder tourism and revenue for surrounding localities
- ✓ Many other parks experience problems with traffic

In closing, he advised of a Wounded Warrior hunt scheduled for November 18th at Clay Jackson's farm, sponsored by the Rapidan Chapter of Ducks Unlimited, Inc.

Comments from the Board:

- *Supervisor Campbell: Accolades to Mr. Bowman for his assistance and service to the County*

6. Finance

a. Claims for November 2017:

\$ 26,468.27 (11'14'17)

\$ 56,986.32 (11'9'17)

\$83,454.59) - **Total**

Highlights:

\$4,700.00 (Hart Interactive, Inc. Equipment [elections equipment])

*Supplies will be needed – additional costs will need to be incorporated into the FY19 budget

\$11,250.00 (Annual fee for Code Red service) [i.e. reverse 911 system]

\$6,300.00 (Mary Earhardt, Accountant)

Comments from the Board pertained to:

- Additional costs for elections equipment
- Kustom Signals

The Finance Director noted that the 1st payment for the elections equipment will not be due until FY19; noted there will be some incidentals related to using the equipment (non-paperless); feels the Registrar's budget will need to be increased to offset some additional associated costs

Erik Weaver, Sheriff, advised that the expenditure for Kustom Signals is for the Director of Emergency Services – covers additional warranty on the antenna box.

Supervisor Hoffman moved that the Board approve expenditures totaling \$83,454.59 as presented, seconded by Supervisor Weakley.

Discussion:

- *Supervisor Weakley: Requested the Registrar be invited to attend future meeting to provide input on the new equipment, voting outcome, and input on proposed future costs*

The Finance Director noted that the budgetary process will begin soon; departmental budget requests will be due in January 2018.

- *Supervisor Campbell: Noted that the electoral board will hold a meeting to critique the recent elections process and additional costs for campaign workers (i.e. training, election process)*

Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee.

b. Supplemental Appropriation(s) [FY2018 Proposed Supplemental Appropriation #10_11142017 - \$5,008.00]: The Finance Director advised that today's supplemental request is to appropriate additional funds to the Sheriff's department received to the Blue Ridge Narcotics Task Force for costs associated with part-time deputies (May 15'2017 – August 15'2017).

Supervisor Campbell moved that the Board approve the pass through (supplemental appropriation #10_11142017 - \$5008.00) as presented, seconded by Supervisor Hoffman.

It was also reported that the Blue Ridge Narcotics Task Force has not officially vacated the Old ABC Building.

Aye: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee

c. Report of FY18 Budget Performance to Date: The Finance Director provided a review of FY18 expenditures vs budget (October-November).

Focus was made on the following highlights:

- ✓ About 42% expended to date
- ✓ Numbers for CSA are favorable (unsure about the annual projection)
- ✓ Gross expenditures for CSA are a little over 50% (of where they were this time last year)
- ✓ Budget was appropriated before refinancing of County debt; refinancing of the line of credit will yield \$120,000 favorable budget variance for debt service
- ✓ About 42% expended to (interest was anticipated in the FY18 budget)
- ✓ Supplemental appropriations approved equal \$302,145.70 (\$222,001.13 encumbered funds; \$74,709.50 carryover funding [i.e. grant for ambulance])
- ✓ Contingency balance: \$397,500.00 with \$346,415.39 being available
- ✓ No contingency has been used to date for CSA
- ✓ Large lump sum items (auditor bill data process/RDA; reassessment svcs.)

1. Synopsis

	<u>Annual Appropriations</u>	<u>YTD Actual</u>	<u>%age Expended</u>
Total General Fund	23,020,180.80	8,942,480.61	38.85%
Transfers to Other Funds	(11,796,141.00)	(5,030,457.86)	42.64%
Revenue Refunds	(5,500.00)	(2,542.50)	46.23%
Contingency	(346,415.39)	-	0.00%
Total - Operating Depts.	10,872,124.41	3,909,480.25	35.96%

2. GF Transfers

	<u>Annual Appropriations</u>	<u>YTD Actual</u>	<u>%age Expended</u>
Schools	8,605,633.00	3,492,632.81	40.59%
VPA	496,027.00	320,351.13	64.58%
CSA	1,150,000.00	295,390.81	25.69%
Debt Service	1,544,481.00	922,083.11	59.70%

11,796,141.00 5,030,457.86 42.64%

3. Summary of GF YTD Supplementals

	<u>Amount</u>	<u>Use of Fund Balance</u>	<u>Revenue</u>
FY17 Encumbered funds	222,001.13	222,001.13	

RSAB amb grant due in FY18	74,709.50	74,709.50
Other rev/exp offsets	5,435.07	5,435.07
	<u>302,145.70</u>	<u>222,001.13</u>
		<u>80,144.57</u>

4. Debt Service Fund

Total budget	1,544,481.00
YTD Expenditures	<u>(922,083.11)</u>
Remaining	<u>622,397.89</u>
Consists of:	
annual DS - State Lit loan	347,200.00
Semi-annual p&I for financed E911 Equipment	40,617.19
LOC princ & Int (old loan)	<u>234,579.00</u>
	622,396.19

5. YTD Use of Contingency

Appropriated:	
General Operations	390,000.00
Accumulated Leave	<u>7,500.00</u>
	397,500.00
Used to date:	
RJDC true up	41,367.69
Bldg. dept. off temp svcs	9,770.00
Misc V/W adj	<u>(53.08)</u>
	51,084.61
Available at 11/13/2017	<u>346,415.39</u>

6. Large lump sum items still to be paid on GF -

Dept. 12240 - Auditor	51,735.16
Dept. 12510 - DP & Tech RDA	56,000.00
Reassessment svcs	60,000.00
Skyline CAP annual pmt	47,585.00 [1st half due Dec 2017]
MVFD	<u>82,000.00</u> [1st half due Dec 2017]
	297,320.16

Comments:

- *Supervisor Campbell: Questioned if revenue was down (i.e. unrealized balance)*
- *Chairman Jackson: Accolades to the volunteer rescue squad's response times*

The Finance Director advised that the balance could be impacted by the timing of adjustments (as a result of the audit), which affects FY18 figures.

d. Report on CAFR Filing Deadline: The Finance Director advised that the County has always had auditing fieldwork done in November; the Auditor of Public Accounts (APA) has requested that a transmittal and all financial summary data for all localities be filed with their office by November 30th of each year. Although Virginia Code indicates that financial statements are to be filed with the Auditor of Public Accounts, this guideline was reinterpreted by the APA how they were going to implement the guideline. The auditors have advised that they will be unable to provide a final CAFR by the required deadline, thereby requiring the County to submit a letter to the APA by November 30th to report this information. This action was done by the County last year as well. The APA has also implemented a new requirement that the Board of Supervisors of each locality must file a certified statement to

advise that the auditors have presented (to the Board) a financial statement by December 31st. It was also questioned as to how long the APA will tolerate localities not filing all required documents by November 30th.

7. Minutes:

a. October 24, 2017 (#34) & November 1, 2017 (#35)

Chairman Jackson called for corrections and/or approval of Minutes #34 and #35.

#34:

Supervisor Weakley moved that Minutes #34 be approved as presented, seconded by Supervisor Campbell. *Aye: Jackson, Weakley, Campbell. Nay: (0). Abstain: Hoffman) Absent: McGhee.*

#35:

Supervisor Weakley moved that Minutes #35 be approved as presented, seconded by Supervisor Campbell. *Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee.*

8. New Business

a. Letter of Appreciation for Steve Hoffman – Chairman Jackson: Chairman Jackson read the following letter for the record:

"Dear Steve:

On behalf of the citizens of Madison County, Virginia, the Madison County Board of Supervisors would like to personally thank you for your continued dedication and level of expertise you have provided to Madison County throughout the years. Not only have you willingly devoted your service to various boards and commissions, but you continue to provide unwavering support in any capacity necessary to help promote the health, safety and well-being of all facets of the County's operations.

You are a true example of a "Madisonian at heart", and your dedication is worthy of recognition."

Steve Hoffman was present and advised of his desire to give back to the County; noted that he has volunteered his services when asked (or been volunteered) and would prefer to be in the background and not receive any accolades; expressed appreciation to Erik Weaver, Sheriff, for always thanking him for bouts of service to local law enforcement; advised that he will continue to volunteer if he feels able to do so; thanked the Board for today's accolades.

b. Healthy Families Program Proposal – DSS Director Ward: Valerie Ward, DSS Director, was present and advised of her request for the Board to follow up with the documentation she provided on the program. She explained that her department wanted to step in and administer the program (due to a failure of a state agency) and offer DSS services to the community. In closing, she explained that it's the duty of the DSS office to help people from entering into poverty, eliminate neglect and build strong, healthy families within our community, which is the building block of strong community; her department will continue to provide strong support to help the families of Madison County.

Comments:

- *Supervisor Weakley: Thanked the DSS office for being willing to serve the citizens of Madison County; expressed concerns about expansion of government programs, and it's feels this is too easy; this technique was initiated through faith based communities, but expressed non- support of the program as presented*
- *Supervisor Campbell: Feels that the expansion of governmental programs creates 'enablers' instead of those that will work to help themselves; feels that tax dollars should remain within the localities instead of to Washington and/or Richmond, which would provide the localities with the funding resources to help local citizens more effectively*
- *Supervisor Hoffman: Serves on the DSS Board and sees the need; appreciates the work that DSS does; noted concerns of a potential increase for the Healthy Families Program during the next years, therefore, verbalized disfavor of supporting the initiative*
- *Chairman Jackson: Verbalized disfavor of supporting the program due to potential continued cost; CSA costs are now down which is anticipated to be as a result of the reduction in clientele; noted concerns about actual staffing that may eventually be needed to effectively operate the proposed program and the need for additional staff due to the burden of operating the program; feels that state funding should remain within the locality*

Supervisor Campbell moved that the Board reject the Healthy Families Program as proposed, seconded by Supervisor Weakley. *Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee.*

Ms. Ward verbalized respect of the Board's decision, and advised that DSS staff will remain committed to providing the best quality service to those clients that they serve.

c. Report on Personnel Policy – County Administrator Hobbs: The County Administrator advised that updates to the existing personnel policy have been researched and integrated into the document as provided for today's packet; noted there is no motion needed on the part of the Board. Unless otherwise instructed, the policy will be finalized and distributed to County personnel. Additional highlights were made on:

Employee evaluations: Time frame changed from May to November and hasn't been initiated as instructed in the policy; suggested that department heads initiate evaluations by the end of January 2018 in order to get the cycle in line for the next year

In closing, he noted there are additional areas which are outdated as a result of changes in employment laws, county practices, salary guidelines, and proposed that the County initiate a package through a consultant that will be able to review the policy, incorporate updates (i.e. based on current employment laws), update job descriptions and employee compensation plan as required, in accordance with State code. No proposal is ready for presentation at this time and will need to be incorporated into the budgetary process for 2018.

Comments:

- *Supervisor Campbell: Noted that the personnel policy has been out of line for several categories; feels that updates and evaluations haven't been initiated/incorporated for many years; noted that certain County personnel (i.e. County Attorney) should be hired by a contract agreement based on the annual salary provided – encouraged the future Board to assess this area along with all County ordinances and regulations, and take all action by resolution as has been done in the past*
- ✓ John Lain: Questioned the codification process
- *Chairman Jackson: Noted that the codification process (for County ordinances) is in the works and doesn't relate to the personnel policy*

The County Administrator explained that:

- ✓ The former County Administrator lead the charge to have County ordinances codified
- ✓ Municode Corporation, Inc. has been hired to address the codification process
- ✓ Ordinances have been submitted to Municode for review several weeks ago
- ✓ Legal review has been stymied (due to the absence of the County Administrator)
- ✓ Chapters of the proposed package have been sent to assigned departmental personnel for review/advisement

After discussion, it was the consensus of the Board that the proposed updates have been incorporated; agreement was noted with the proposed evaluation process.

Chairman Jackson asked the citizens to raise their hand to advise if they'd wish to speak (as opposed to shouting out during the meeting process).

The Finance Director advised that the County has a procurement policy and personnel policy; neither policy is a part of the County ordinance documents. Also noted that the past, it appears that prior Board have voted (based on the minutes) and not by resolution; changes have been made with no systematic manner to incorporate the changes into the policy – feels there is an issue of how the Board decides to vote on proposed changes.

- *Chairman Jackson: Suggested that the process may need to include review (by the Board) on an annual basis, with a resolution to advise of annual updates to all policies from this point forward*
- *Supervisor Weakley: Noted that when a vote is taken, this should be amended to the policy*
- *Supervisor Campbell: Feels there has been significant improvement with the procedural process over the past few years*

The County Administrator noted that the codification process will call for the Clerk to send all approved documentation to them annual for inclusion; noted that once the new website is in place, the County can maintain and update policies and ordinances as they are approved by the Board.

9. Old Business

a. Shenandoah National Park Resolution Proposal – County Administrator Hobbs:

Chairman Jackson read the following resolution for the record:

RESOLUTION OPPOSING PROPOSED DAILY FEE INCREASE AT SHENANDOAH NATIONAL PARK

WHEREAS the National Park Service on October 24, 2017 announced plans to increase the entrance fee at 17 National Parks including Shenandoah National Park from the current \$25 per vehicle to \$70 during peak season (June-October), and

WHEREAS the fee increase has been estimated to generate approximately \$70 million a year across the park system with 80% of those fees staying within the Park to address the \$11.3 billion backlog of deferred maintenance, and

WHEREAS while the Madison County Board of Supervisors understands and appreciates the need to improve infrastructure in the Park and recognizes the significant amount of the revenue will go back to Shenandoah for infrastructure improvements, the Board has serious concerns about the amount of the proposed increase on the heels of other recent increases, and

WHEREAS many local businesses in Madison County and surrounding communities are affected by annual traffic to Shenandoah National Park, and

WHEREAS the Madison County Board of Supervisors is deeply concerned about the impact of this fee increase on the local economy of Madison County.

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors requests that the National Park Service reconsider its proposed entrance fee increase for Shenandoah National Park, and

BE IT FURTHER RESOLVED that the Madison County Board of Supervisors respectfully requests that its congressional delegation, including the Honorable Senators Mark Warner and Timothy Kaine and Representative Tom Garrett, Jr., work to get the National Park Service to reject the proposed increase due to its potential to negatively impact tourism in Madison County.

Comments:

- *Chairman Jackson: Referred to past fee increases; feels the park belongs to the citizens; fee increases will impact visitation; feels that (in his opinion) the federal government doesn't allocate funding appropriately*

On motion of Supervisor Campbell, seconded by Supervisor Hoffman, the Board adopted the Resolution Opposing a Daily Fee Increase at Shenandoah National Park.

Discussion:

- *Supervisor Weakley: Verbalized concerns that the proposed fee increases will call for folks (who were forced off their land in the past) to pay to re-enter*
- *Supervisor Campbell: Noted that (in his opinion) the additional costs for the parking lot (at Old Rag Mountain) was due to requests by the planning commission*
- *Supervisor Hoffman: Verbalized concerns that folks were driven out of the past (50-60) years ago; the park has made millions off the park; feels the government doesn't know how to manage revenue; opposed to the proposed fee increase*

Aye: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee.

Chairman Jackson advised that Mr. Jim Lillard will be speaking in the auditorium on Sunday, November 19th – citizens were encouraged to attend.

b. Public Hearing on Shelby Road RCUT Project – County Administrator Hobbs: The County Administrator advised that a conversation with Mr. DeNunzio has noted that VDOT would like to schedule one more public hearing on the proposed Shelby Road project, and will ask the Board to endorse the proposal and provide instruction; timing for the session is unknown but is felt to move forward within the next few months.

Comments:

- *Supervisor Weakley: Suggested that VDOT announce the public hearing (to the citizens); project will propose a "J" turn at Shelby Road (similar to the design located in Culpeper County [Rt. 29S])*

The County Administrator advised that VDOT may take any considerations from the Board (i.e. regarding time and site of a proposed public hearing)

- *Chairman Jackson: Encouraged that VDOT hold a public hearing in the auditorium*

- *Supervisor Campbell: Noted that based on the code requirement (i.e. sixty [60] days) to notify the public, the session will not be held before January 2018*

Clarissa Berry, Commonwealth Attorney, was present and suggested the public hearing be held in the high school auditorium.

After discussion, it was the consensus of the Board to ask Bob Chappell, school board member, to assess if the school auditorium could be used for the session, and to also advise Joel DeNunzio, VDOT, of the Board's request to hold the public session at the aforementioned location.

c. Building Official Mutual Aide Contract Extension – County Administrator Hobbs: The County Administrator advised of the contract agreement between Madison and Culpeper for emergency building official services; very little time and funding of the agreement has been utilized to date; it's anticipated that some of these services will be needed in 2018; the Board was asked to consider extending the contract agreement (from December 1, 2017 through February 28, 2018) with no additional funding required due to the anticipation of medical leave during a time when several construction projects will be underway in the County.

Supervisor Campbell moved that the Board extend the time on the contract agreement 'indefinitely' (*as opposed to December 1, 2017 through February 28, 2018*), excluding funding at this time, seconded by Supervisor Hoffman.

Comments:

- *Supervisor Weakley: Clarified that the original agreement is being extended from December 1, 2017 to February 28, 2018*
- *Supervisor Campbell: Noted that (based on his motion) the contract agreement will be extended indefinitely for the current situation*

Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee

d. Committee Term Expirations – County Administrator Hobbs: The County Administrator referred to a letter from Betty Grayson, Zoning Administrator, that advised of upcoming planning commission terms that will expire. He also advised of additional committees/boards/commissions that have terms that will expire in January 2018, and suggested the Board be prepared at the January 2018 organizational meeting to make specific appointments. Also noted (that based on discussion), the County has advertised some appointments.

Supervisor Campbell moved that the Board authorize openings in December 2017 for citizens to apply for, and act on applicants in January 2018 by the new Board members, seconded by Supervisor Weakley. *Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee.*

Chairman Jackson: Advised that all Board appointments to various committees/organizations will be initiated by the Board at the January 2018 organizational meeting; interviews will also be conducted in January 2018 for all applicants.

e. 2018 Meeting Dates & Budget Process – County Administrator Hobbs: The County Administrator provided a 2018 calendar of meeting schedules and budget process.

- Regular Board meetings shall be held in the Board Auditorium, County Administration Building, 414 North Main Street, Madison, Virginia, on the second (2nd) Tuesday of each month, beginning at 4:00 p.m.
- A second Regular Meeting will be scheduled the fourth (4th) Tuesday of each month at 6:00 p.m. Board Auditorium, County Administration Building and shall normally last not more than two (2) hours).
- A joint meeting with the Board and the Planning Commission will be scheduled for the first Wednesday of each month at 7:00 p.m., and will be held in the Board auditorium. The Board may, however, prescribe any other meeting place or time in compliance with § 15.2-1416 of the Code of Virginia (1950), as amended.

After discussion, the Board verbalized agreement with the proposed schedule.

10. Public Comment:

Chairman Jackson opened the floor for public comment. With no further comments being made, Chairman Jackson closed the public comment opportunity.

11. Information/Correspondence:

Clarissa Berry (Commonwealth Attorney) asked the Board to volunteer a representative to meet with the Waverly Yowell Elementary School SCA on Monday, 11/20 at 1:30 p.m. in the auditorium.

After discussion, Chairman Jackson volunteered to meet with the group.

12. Closed Session:

a. Personnel (County Attorney & E911 Director/Deputy)

a. Closed Session: On motion of Supervisor Weakley, seconded by Supervisor Hoffman, with the following vote recorded: *Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee.*

b. Motion to Reconvene in Open Session:

On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board reconvened in open session, with the following vote recorded: *Aye: Jackson, Weakley, Campbell, McGhee. Nay: (0). Absent: Hoffman.*

c. Motion to Certify Compliance:

On motion of Supervisor Weakley, seconded by Supervisor McGhee, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711(A)(1) and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded: *Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee.*

As a result of closed session:

County Attorney: On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board moved to accept a proposal by Commonwealth Attorney, Clarissa Berry, to serve as Interim County Attorney, effective November 1, 2017 through February 28, 2018. It was noted that an emergency exists in the Board's need for legal assistance. *Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee.*

The County Administrator was also instructed to pursue an insurance rider that would defend the County against non-monetary claims.

Interim Director of Emergency Communications: On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board authorized the promotion of Brian Gordon to Interim Director of Emergency Communications/Emergency Management Coordinator with a 10% increase in pay effective November 1, 2017. It was understood that Mr. Gordon would be encouraged to become fully qualified to serve as the County's Emergency Management Coordinator and that further adjustments would be considered during the budget process. *Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee.*

13. Adjournment:

With no further action being required, Chairman Jackson adjourned the meeting. *Aye: Jackson, Weakley, Campbell, Hoffman. Nay: (0). Absent: McGhee.*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: November 28, 2017

Copies: Board of Supervisors, County Attorney & Constitutional Officers



Agenda
Regular Meeting (#2)
Madison County Board of Supervisors
Tuesday, November 14, 2017 at 4:00 p.m.
County Administration Building, Auditorium
414 N. Main Street, Madison, Virginia 22727



Call to Order

~~Pledge of Allegiance & Moment of Silence~~

1. Determine Presence of a Quorum / Adopt agenda
2. Public Comment
3. Constitutional Officers
4. County Departments
5. Committees or Organizations

a. Recycling Committee Share Shed – Deloris "Dink" Kreis

b. Bruce Bowman – Blue Ridge Committee Report

6. Finance.....Finance Director Costello
 - a. November 2017 Claims
 - b. Supplemental Appropriations (if any)
 - c. Report on FY18 Budget Performance to Date
 - d. Report on CAFR Filing Deadline
7. Minutes:
 - a. October 24, 2017 (#34) & November 1, 2017 (#35)
8. Old Business:
 - a. Letter of Appreciation for Steve Hoffman.....Chairman Jackson
 - b. Healthy Families Program Proposal..... Valerie Ward, DSS Director
 - c. Personnel Policy RepackagingCounty Administrator Hobbs
9. New Business:
 - a. Shenandoah National Park Resolution Proposal.....Dir. of Tourism and Economic Development Gardner
 - b. Public Hearing on Shelby Road RCUT ProjectCounty Administrator Hobbs
 - c. Culpeper Building Official Mutual Aid ExtensionCounty Administrator Hobbs
 - d. Committee Term Expirations.....County Administrator Hobbs
 - e. 2018 Meeting Dates and Budget Process.....County Administrator Hobbs
10. Public Comment
11. Information/Correspondence
12. Closed Session (if needed)
 - a. Personnel (County Attorney and E911 Director/Deputy)
13. Adjournment

•AMENDMENTS NOTED BY STRIKETHROUGH AND ROYAL BLUE WITH YELLOW HIGHLIGHT•